

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

THOMAS STANKO MARKS, a/k/a
THOMAS STINKO MARKS,

Petitioner,

v.

ROB McKENNA and JEROME J.
LEVEQUE,

Respondents.

NO. CV-07-024-RHW

**ORDER GRANTING MOTION
TO SUBSTITUTE**

Before the Court is Petitioner's Motion to Substitute Respondent Leveque with Harold Clarke of the Washington Department of Corrections (Ct. Rec. 19). Petitioner and Defendant McKenna jointly move the Court to substitute Mr. Clarke for Judge Leveque due to Petitioner's recent appearance before Judge Leveque, who ordered Petitioner to commence his state court sentence on March 16, 2007. Because Petitioner is no longer challenging a future sentence, Judge Leveque is no longer a party required to be named in the Petition. The parties agree that Mr. Clarke, Secretary of the Washington State Department of Corrections, is now the proper party. Mr. Clarke will be represented by the Washington Attorney General's Office along with Mr. McKenna. Judge Leveque's counsel has indicated he does not object to Judge Leveque's removal as Respondent in this matter.

Accordingly, **IT IS HEREBY ORDERED:**

1. Petitioner's Motion to Substitute Respondent Leveque with Harold Clarke of the Washington Department of Corrections (Ct. Rec. 19) is **GRANTED**.

2. The District Court Executive is directed to change the caption of this

1 matter accordingly, removing Jerome Leveque and replacing him with Harold
2 Clarke, Secretary of the Washington State Department of Corrections.

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
4 Order and forward copies to counsel.

5 **DATED** this 16th day of April, 2007.

6 *s/ Robert H. Whaley*

7 ROBERT H. WHALEY
8 Chief United States District Judge
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